

REMARKS

I. Summary of Office Action

Claims 1-19 are pending in the application.

The Examiner rejected claims 1-18 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

The Examiner rejected claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 under 35 U.S.C. § 102(e) as being anticipated by Klosterman et al. U.S. Patent Application Publication No. 2001/0013124 (hereinafter "Klosterman").

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Ten Kate et al. U.S. Patent No. 6,601,237 (hereinafter "Ten Kate").

The Examiner rejected claims 7, 10, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Picco et al. U.S. Patent No. 6,029,045 (hereinafter "Picco").

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Kunkel et al. U.S. Patent Application Publication No. 2002/0056093 (hereinafter "Kunkel").

II. Summary of Applicants' Reply

Applicants have amended independent claims 1, 16, and 19 in order to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

The Examiner's rejections of the claims are respectfully traversed.

Reconsideration of this application is respectfully requested.

III. The Rejection of the Claims under 35 U.S.C. § 112

The Examiner rejected claims 1-18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response to the Examiner's rejection and to facilitate prosecution of this application, applicants have amended claims 1 and 16 to remove the term "non-interactive" from the claims.

Accordingly, applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 112, first paragraph.

IV. The Prior Art Rejections

Applicants' independent claims are generally directed towards methods and systems for assembling personalized advertisements, where media segments used to assemble a personalized advertisement are simultaneously transmitted on a plurality of data streams.

As claimed, a plurality of different media segments are inserted into one or more media slots of a personalized advertisement template. Each of the plurality of different media segments is one of: an audio segment, a video segment, a graphics segment, a rendering segment, and a segment of last minute information. As set forth in applicants' specification, applicants' claimed invention is able "to assemble a personalized message in real time, both in terms of various incomplete media components, such as multiple and separate audio, video, graphics, rendering, and last minute information." (See Applicants' specification, paragraph [0022].)

A plurality of data streams is simultaneously transmitted to a receiving unit, where "each data stream deliver[s] a different one of said plurality of media segments." Content selection information is then transmitted which is used by the receiving unit to switch between the plurality of data streams to retrieve media segments for each slots to generate a customized broadcast transmission stream carrying the assembled personalized advertisement. Thus, as claimed, applicants' claimed invention "simultaneously and synchronously insert[s] multimedia modular information segments and other information into the appropriate slots in a broadcast transmission stream for delivery to the entire selected group of users or entities at their media specific location." (See Applicants' specification, paragraph [0019].)

The Examiner contends that applicants' independent claims 1, 16, and 19, as described above, are anticipated by Klosterman. Applicants respectfully disagree, and submit that Klosterman does not show or suggest all the features of applicants' claims 1, 16, and 19.

In particular, Klosterman does not show or suggest inserting "different media segments" into the media slots of a personalized advertisement template, where each of the media segments is one of "an audio segment, a video segment, a graphic segment, a rendering segment, and a segment of last minute information."

Klosterman describes an advertisement multi-casting system, where each channel provides "a separate program of advertising synchronized in time to coincide with advertising delivered on the main channel, e.g., FOX." (See Klosterman, paragraph [0031].) Klosterman tunes between those channels to provide the desired programming to a television, where the

change channel command to tune to a particular channel is transmitted in the vertical blanking interval (VBI) of one or more channels. The advertisements provided on these channels are completed advertisements. For example, Klosterman states that:

a viewer is watching the SuperBowl on the viewer's television set that is tuned to Channel A. Channel A interrupts the SuperBowl program to show a beer commercial. The viewer's television is programmed to recognize and execute the VBI change channel command. When the viewer's television encounters the VBI change channel command, the viewer's television tunes to Channel B. Channel B shows a commercial for a nationally recognized brand of athletic shoes. When the commercial on Channel B is complete, the viewer's television is programmed to return to Channel A. The change of channels is invisible to the viewer. (See Klosterman, paragraph [0045].)

Nowhere does Klosterman show or suggest that the programming on Channel B may be a media segment that is one of "an audio segment, a video segment, a graphics segment, a rendering segment, and a segment of last minute information."

In addition, each channel of advertising (e.g., FOX, FOX1, FOX2, etc.) is not "delivering a different one of said plurality of media segments" for insertion into the media slots, as required by the independent claims. As stated by the Examiner, "[e]ach channel provides a separate program of advertising synchronized in time to coincide with advertising delivered on the main channel, e.g., FOX." (Office action, page 3.) Nowhere is it shown or suggested that the channels of Klosterman carry a different one of the plurality of media segments (e.g., audio segments, video segments, graphics segments, rendering segments, or segments of last minute information).

Accordingly, because Klosterman fails to show or suggest both having different media segments that are insertable into media slots, where "each of the plurality of different media segments is one of: an audio segment, a video segment, a graphics, segment, a rendering segment, and a segment of last minute information," and simultaneously transmitting a plurality of data streams, "each stream delivering a different one of said plurality of media segments" for insertion into media slots, applicants respectfully submit that Klosterman must also fail to show or suggest a system that "uses said content selection information to switch between said plurality of data streams to retrieve at least one of said media segments for each of said slots, to generate a customized broadcast transmission stream, thereby assembling a personalized advertisement." As described above, Klosterman describes a system for switching between complete commercials sent over multiple channels, to allow different commercials to be displayed to a

viewer. Klosterman does not retrieve different media segments for insertion into the personalized advertisement template to generate a customized broadcast transmission stream, as required by the claims.

In view of the foregoing, applicants respectfully submit that the independent claims are allowable over Klosterman. Therefore, applicants respectfully request that the rejection of the independent claims be withdrawn by the Examiner.

The Examiner rejected each of dependent claims 2-15, 17, and 18 under either 35 U.S.C. §§ 102(e) or 103(a) as being unpatentable over Klosterman. In particular, the Examiner rejected claims 2-5, 8, 9, 12, 13, 15, and 18 under 35 U.S.C. § 102(e) as being anticipated by Klosterman. The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Ten Kate. The Examiner rejected claims 7, 10, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Picco. The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Klosterman in view of Kunkel. Applicants respectfully submit that claims 2-15, 17, and 18, each of which depends from one of independent claims 1 and 16, are allowable for at least the same reasons that the independent claims are patentable as set forth above.

V. Conclusion

The foregoing demonstrates that claims 1-19 and 21 are patentable. This application is therefore in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

VI. Authorization

The Director is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Director is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 08-0219.

Respectfully submitted,

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